PUBLIC MEETING
REGARDING THE
PROPOSED RECORD OF DECISION
for the
HIMCO DUMP SUPERFUND SITE
Elkhart, Indiana

7:00 p.m.
October 6, 1992
City Council Chambers
229 South Second Street
Elkhart, Indiana

~~ORIGINAL~~ DUPLICATE

The above proceedings were recorded and transcribed by M. Kay Dornburg, Court Reporter and duly commissioned officer of the State of Indiana.

Olmsted & Associates
by: M. KAY DORNBURG

3702 NORTH MAIN STREET, BLDG. 4
MISHAWAKA, INDIANA 46545
CODE-A-PHONE: (219) 234-8813

APPEARANCES:

Dave Novak,
U.S. EPA
Community Relations Coordinator

Jim Smith,
IDEM
State Project Manager

Mary Elaine Gustafson,
Remedial Project Manager
U.S. EPA

AGENDA

Welcome and Introduction	Dave Novak, U.S. EPA Moderator
Role of the Indiana Department of Environmental Management (IDEM)	Jim Smith, IDEM
Explanation of Proposed Record of Decision Amendment	Mary Elaine Gustafson, U.S. EPA
Questions & Answers & Public Comments	Dave Novak, U.S. EPA Moderator

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DAVE NOVAK:

I'm Dave Novak with Region 5 of the EPA in Chicago. I'm the Community Relations Coordinator.

Is this loud enough, or do we need the microphone? If there is any point during the evening that you can't hear one of the speakers, let us know.

What we're here tonight here for -- I'll run over some of the guidelines and how it will run and who some of the players are from EPA and the State of Indiana.

Like I say, I'm Dave Novak, the Community Relations Coordinator.

And we will also have Mr. Jim Smith from the Indiana Department of Environmental Management. He will present the Indiana side.

And we have Mary Elaine Gustafson who is the EPA Project Manager. She will tell you what the proposed remedy is for the site, and we'll have some discussion.

And as we go along this evening, while they are making their presentations, you can ask your questions at their discretion while they're talking.

After all the questions and after the presentations, we will make a definite distinction between comments.

We have a court reporter here to record everything that happens here tonight for the record. And when you give a comment, we would ask that you speak distinctly. And if you have an unusual spelling of your name, let us know that. And if the court reporter has a problem, she will let you know if she can't hear.

So, we have quite a few handouts in the back. With them, you can kind of follow along some of the things as we're going through.

One of the things that we do have -- and this is a test. This is the first time we're using this. We would like to know after the meeting what you think of this kind of comparison chart.

Mary Elaine will go through the nine criteria and how they stack up. This is like, I guess, in USA Today they come out with these little graphs -- good, better, best.

So, let me know after the meeting what you think of this type of a grading system on that.

Most of you should have gotten in the mail a Fact Sheet. You can follow along. There may be some terms in here that you don't quite understand. In the back of the Fact Sheet there is a glossary that might be able to clear things up just a little bit for you.

In finer detail, there is also the proposed plan; and this is what Mary Elaine will be talking about tonight. There are copies of these in the back. You're welcome to take one of these. And, again, if you have one, you can maybe follow along a little bit closer on that.

And then there is some other material on repositories.

All the information that will be presented tonight is in great detail at both libraries in town, both the Pierre Moran Library and at the main library just catty-corner across the street.

It goes through everything up until the

documents that we'll be talking about tonight. You're welcome to go look at the materials and copy it.

I would ask, however, that the materials outside, especially the sign-in sheet -- those names and addresses on that sign-in sheet are protected by the Privacy Act. If you do desire a copy of it, we would ask that you send a letter to our office under the Freedom of Information Act requesting them.

So, I would appreciate it if we didn't violate the Privacy Act on that particular note.

Before we get started, if you haven't been following along this process from its entirety, we're going to be talking about something known as the Superfund. And that is the Comprehensive Environmental Response, Compensation and Liability Act, known as CERCLA, that started back in December of 1980.

And that was a program to investigate the clean-up of actual and potential releases of hazardous substances at sites throughout the United States.

Now, in 1986, Congress reauthorized the law under the Superfund Amendments and Reauthorization Act, known as SARA. And it took a

fund from $1.6 billion up to $8.5 billion. So you can see that the Superfund process and the clean-up process across the United States is growing. And it's up for renewal, I believe it's next year, 1994.

It involves several steps after a potential site is initially identified. There is preliminary inspection. It's either conducted by U.S. EPA or the State agency. It's evaluated for its potential impact on human health and the environment.

And if they find that the site poses a serious enough threat to the community, it's placed on what we call the National Priorities List. That's a roster of the nation's worst hazardous sites.

And the site that we'll be talking about this evening, the Himco Dump site, was first proposed in 1988 to be put on the NPL and designated an actual site in 1990.

At some time after the site is placed on the NPL, EPA plans and conducts a Remedial Investigation. You'll be hearing this term quite often tonight -- the RI and the FS, Feasibility Study and Remedial Investigation.

It's a long-term study to identify the

major extent of the contamination of the site. And based on results of the RI, the FS is then evaluated, looking at the alternatives that are going to address the contamination.

Quite often, the Potential Responsible Parties -- those are the people who are partly responsible for contaminating the site. When they are identified, they often offer to fund the Remedial Investigation and the Feasibility Study. And all this work is overseen, of course, by EPA.

After the public -- as we're going to do tonight -- after you have a chance to comment on the remedies that will be presented, EPA comes up with a Record of Decision; and that's the final determination of how the site will be cleaned up.

That's exactly where we are tonight. We will pose four alternatives and the EPA's recommended alternative.

Anytime during this process EPA can conduct an emergency response action. That is, going out to the site and removing materials that are posing a more hazardous threat to either health or the environment.

So, that is the basic Superfund process in a nutshell. I've covered several years in just a

few minutes here.

The fine details, like I say, up to this point with the recommended alternative, will be with Mary Elaine Gustafson.

And I'll also mention that we have our site attorney, Mr. Tom Nash. He's not going to give a formal presentation, but he is available tonight for any legal questions pertaining to it.

So, I have nothing else. If Mary Elaine is ready -- okay. Jim will be going first?

Jim, again, is with the Indiana Department of Environmental Management, and he's the State Project Manager.

JIM SMITH:

Good evening, ladies and gentlemen.

As Dave said, I am the Project Manager for the State of Indiana's Department of Environmental Mangement.

In this role, I play a complementary role to Mary Elaine Gustafson for the U.S. EPA. The various duties and responsibilities associated with that depend on the particular site and whether the State is the lead agency in the investigation that we are doing or the EPA is the lead agency in this

investigation.

My comments tonight are to outline very briefly the role of the Indiana Department of Environmental Management at the Himco Dump Superfund site.

Before I get into the details of that, I would also like to introduce a couple of members of the Technical Support staff of the Indiana Department of Environmental Management.

There are two chemists here tonight. One of them, Miss Margie Thomas, is intimately involved in this site and has been commenting on all the documents and things that I'll very briefly touch on tonight.

The other one is Fran -- she's got a last name; I don't know it.

FRAN METCALF:

Metcalf.

JIM SMITH:

Metcalf. Sorry, Fran.

Anyway, the Indiana Department of Environmental Management is a rather young State agency. We were founded in 1986. We are an

offshoot of what was the Indiana State Board of Health. The involvement of the State of Indiana began in the early 70s with the State Board of Health.

I'm not going to go over the history of that in any detail because it is in the proposed plan. It is briefly mentioned in the Fact Sheet. And it goes into great detail in both the Remedial Investigation Report and the Feasibility Study, both of which are in the repositories.

But basically, after the Himco Dump was proposed for listing on the National Priorities List, and after the initial request that PRPs fund the study met with failure, the Indiana State Department of Environmental Management petitioned the U.S. EPA in June of 1989 to initiate a Remedial Investigation/Feasibility Study of the Himco Dump.

EPA proceeded with that Remedial Investigation. The Department of Environmental Management was awarded through the EPA a Management Assistant Grant which was initiated in October of 1989.

This grant paid for IDEM, or Department of Environmental Management, staff hours and expenditures on the Himco Dump site.

And our role at this site is supportive of the U.S. EPA. The roles -- the duties of the role of the Agency are spelled out in a Superfund Memorandum of Understanding which was worked out between the State of Indiana and the U.S. EPA.

But basically, our role at the Himco Dump site has been one of support to the actions and activities of the Remedial Investigation by the U.S. EPA.

In this role, the Project Managers and the Technical Support staff coordinate, review and provide technical comments and suggestions on all documents related to and all work related to the Remedial Investigation and Feasibility Study that has been conducted at the site.

The documents that we have had input on at this point is one of the definitions of scope of work to be included in the Investigation, the Study.

We've actually reviewed, commented on and helped develop work plans and associated supportive documents, like Health and Safety Plans, Quality Assurance Plans, Field Sampling and Analysis Plans.

We also have very frequent contact with the U.S. EPA, primarily through their Remedial Project Manager, to discuss any problems that the

Agencies have or to provide input and suggestions on how to resolve various problems as they come up.

As Project Manager with IDEM, I coordinate these various review activities not only among various agencies within the IDEM, like our Office of Solid and Hazardous Waste, the Office of Air Management, the Office of Water Management or whatever agency, but also coordinate, review, and solicit comments and things to help us come up with the best solution to problems to present to EPA to incorporate into the various documents.

With the State Department of Health and with other State agencies -- the Department of Natural Resources are two that come to mind right off.

The State also as part of the process here submitted to the U.S. EPA a list of applicable State rules and regulations that apply to the clean-up alternative or that apply to the investigation that must be considered to protect the state environment and health and to comply with the rules and regulations of the State of Indiana.

We at this point have reviewed on all of the documents, approved and support EPA's decision on all the documents that have been placed in the

repository. And we do support the proposed plan that EPA has or is going to present here to you tonight.

In the future after the meeting tonight, the public comments will be reviewed. If there are comments here, we will coordinate the review of those comments and support EPA's efforts in responding to all those comments.

Once those comments have been put together, the EPA will put together a Draft Record of Decision. That will be transmitted to the State.

We will review that decision, and then we will go to our Commissioner and request that a Letter of Concurrence or Non-concurrence be submitted to the U.S. EPA.

And after that decision is put in place, a Record of Decision, whether it implements tonight's plan or a different plan based on addressing of comments, we will then be involved in negotiations to try to get the remedy implemented.

Those negotiations will include the Project Manager for the site, our Office of Legal Counsel internally, also the State Attorney General's Office. And also for the State, Natural Resource trustees will be involved in these

negotiations.

For Indiana, there are two Natural Resource trustees. Those trustees are appointed by the governor. One is in the Department of Natural Resources; one is in the Department of Environmental Management.

So, this team of negotiators will work with the EPA in trying to negotiate with Potentially Responsible Parties to get the remedy implemented. And also to recover funds that the Agency, the State, has expended that were not covered by the Management Assistant Grant that we have from the U.S. EPA.

Once the negotiations are done, we will be involved in the review and implementation of the design and the actual implementation of the selected remedy for the site.

Once that's done, the long-term monitoring program which is being proposed as part of the remedy, we will work with EPA and help with the monitoring.

Any reviews that take place on the site, the State will be involved in and work with EPA on that site.

And basically, once the site has been

completely remediated, the reviews show that there is no further endangerment to the environment or the public from releases from the Himco Dump site, the State will work with EPA to try to de-list the site from the National Priorities List.

Basically, very quickly and very briefly, that is the role that the State Department of Environmental Management has played and will play in the Remedial Investigation/Feasibility Study in the addressing of the environmental and health-related concerns of the Himco Dump.

Once again in closing I would like to state that at this time, based on the information that we have, the data that we have reviewed, the Indiana Department of Environmental Management supports the proposed remedy or proposed plan that EPA is going to present tonight.

DAVE NOVAK:

Do you have any questions of the State?

(No response.)

DAVE NOVAK:

Mary Elaine Gustafson. She's the Project

Manager from U.S. EPA.

MARY ELAINE GUSTAFSON:

Good evening, everyone. Thank you all for coming. As Dave said, my name is Mary Elaine Gustafson.

Before I start in my presentation, I do have a couple of things that I would like to share with you.

You will be hearing me repeat some of the things that Dave has already said, but bear with me because I think repetition only helps. I'll try not to make it too boring.

Many of you I do not know, and I would appreciate it after we're through here tonight if you would come up and introduce yourselves to me and let me know who you are. I'd like that very much.

I would even prefer to give this presentation down there among you. I don't like to be isolated up here, but because of the room I don't have any choice.

The last thing I want to tell you before I get started is that I want to reiterate once again what Dave said. We will have a question and answer period. I can answer your questions as I go along. When I'm finished with my presentation, there will

be a question and answer period.

I want you to be sure you keep in mind that that is a totally separate session from the comments. When we're through with all the questions and we have answered them to the best of our ability, we will accept your comments. No questions at that time. Only comments to go into the record that we will respond to in the Response Summary.

Afterwards, if you do still have questions, we will be glad to try and answer them for you at the completion of the comment period.

Okay. Let us begin.

What I'm going to do tonight is present you with a very brief history of the site, review the results of the Remedial Investigation, present to you the alternatives that we have considered, and present U.S. EPA and the Indiana Department of Environmental Management's preferred alternative.

I will try to keep this very brief.

The site is located in Elkhart, as you all know, in north central Indiana.

(Presentation conducted with use of overhead projector.)

This is the Himco site up here. This is the Nappanee Street Extension and County Road 10,

also called Bristol.

The St. Joseph River runs east/west through the town. The airport is up here at the north.

A more detailed map shows -- the heavy line is the boundary of the site. And it covers approximately a hundred acres.

The dotted line shows the boundary of the landfill which is approximately 58 acres.

This area down in here is the area that we call the "construction debris area." And when I speak of the "construction debris area" as I go along, this is the section I'm talking about.

This pond -- this L-shaped pond -- is called the L-shaped pond. Here's a small pond and the quarry pond.

In this area -- this overhead doesn't show it, but there is a small wetland in this area.

The landfill -- or the "construction debris area" has small piles of rubble, concrete, asphalt and metal.

The site was in operation from 1960 through September of 1976 as a landfill. It accepted demolition and construction debris, household refuse, industrial and hospital waste, and

calcium sulphate.

Early in 1974, residents along County Road 10 complained of the color, odor and taste of their water. The State sampled the water and found out that it was contaminated with high levels of manganese which was believed to have come from the site.

As a result of this contamination, Himco Waste-Away replaced the shallow wells of those people along County Road 10 with deeper wells.

In 1976 the landfill was closed and covered with approximately a foot of sand over the calcium sulphate layer.

In late 1990, high levels of sodium were discovered in the wells. And although the concentrations did not exceed enforceable levels, they still presented a chronic health threat to the affected residents. And those people once again along County Road 10 were supplied water service through the municipal water supply, and Himco and Miles Labs agreed to finance the connection.

The site was proposed for the National Priorities List in 1988 and became final in 1990.

And our Remedial Investigation and a Feasibility Study was conducted between 1989 and

1992. Once again, the Remedial Investigation is an investigation where we go out and take samples of different media and examine it to see what it tells us.

And the Feasibility Study takes the data and develops it into -- or develops alternatives through technologies to address the problem that we find at the site through the Remedial Investigation.

On this overhead you will see at this point there is a "hot spot." A "hot spot" is a concentration of highly contaminated material.

During the RI we discovered the "hot spot." And in May of 1992 U.S. EPA went in and conducted an emergency removal and excavated seventy-one 55-gallon drums and volatile chemicals.

When the "hot spot" was discovered, there was 48 percent tolulene product in the test pit that was excavated.

This has "Extent of Contamination" at the top, in case you can't read it.

During the RI, as I said, our goal was to take samples to determine what the problem was. We sampled and analyzed surface and sub-surface soils, leachate, surface water and sediment, groundwater, air. And we conducted geophysical surveys.

As part of the RI we also conducted a Risk Assessment to look at the effects that the site has on humans and the environment.

What we do is look at what we call migration pathways. The migration pathways just are ways in which the chemicals can get into the environment and into humans.

The most important pathways that we looked at are groundwater, soil and air.

The groundwater we looked at ingestion, inhalation and dermal exposure.

The soil we looked at ingestion and inhalation of volatile compounds and particulates in the air.

And the air we also looked at inhalation of volatiles and the air particulates.

The potential receptors of these contaminants are, of course, humans and wildlife and the environment.

The humans are the residents down-gradient and those that use the site for recreational purposes or activities.

What the RI told us is what our extent of contamination is. We found that the principal threats are in the leachate and the soil and the

"construction debris area."

In the leachate we found inorganics, or compounds without carbons, and volatile compounds, such as arsenic, tolulene and ethlybenzene.

In the soil and "construction debris area" we found semi-volatile organic compounds including hydrocarbons.

The groundwater under the landfill presents the greatest potential risk for cancer. However, I really want to emphasize that because nobody currently resides or works on this site, there is no unacceptable risk for people currently.

The groundwater down-gradient of the site is not contaminated above levels of concern.

What we did find through our Risk Assessment is that there is a concern for potential future uses of the site. If the site were to be developed for, say, residential development and people put in drinking water wells and those wells intercepted the leachate, or the leachate got into the wells and people started using that water, that could result in a cancer rate of one person in ten.

As a result of the study, we need to come up with a Remedial Action. But before we can do

that, we have to have objectives.

So, based on contaminations that we found at the site, we developed these objectives:

Prevent direct contact with landfill contents and contaminated soil through the "constructon debris area;"

Control the groundwater usage in the vicinity of the site;

Minimize leaching of soil contaminants into the ground-water; and

Maintain the integrity of the cap.

The cap, of course, is the cover over the landfill.

As part of our process, we always look at a "no action" alternative. We take -- we look at the technologies in the Feasibility Study, and we screen out those technologies that we don't believe are feasible for this site.

We take the remaining technologies and we develop them into remedial alternatives.

At every Superfund site we look at a "no action" alternative so that we can compare the other

alternatives to it. The "no action" alternative does nothing, has no cost associated with it, provides no protection, and does not reduce risks at all.

By the way, we did look at three other alternatives including the "no action."

The second alternative consists of what we call a single barrier, solid waste cap. It's just a regular cover over the landfill. It also includes collection and treatment of landfill gas, monitoring the groundwater, and institutional control which would include like fencing and deed restrictions.

The deed restrictions would restrict present and future development of the site and prevent use of the groundwater.

This alternative would cost about ten and a half million dollars and would take approximately four months to implement.

Alternative 3 is similar to Alternative 2 including the cap, the collection of the landfill gas and the monitoring and everything else that Alternative 2 has except that it adds a leachate collection system.

The leachate collection system would involve installation of approximately 680 wells.

And the system would include perpetual pumping and treating and disposal at an off-site facility. So, we would have to provide, or somebody would have to provide operation and maintenance of this system forever.

This alternative would cost approximately $27 million and take about 21 months to implement.

And I'm sure you all know by now our preferred remedy is Alternative 4. There again, this alternative is the same as Alternative 2 except that on the cap it adds a synthetic liner. And we call this a composite cap.

The reason for adding the liner, and especially in view of the fact that we're not going to collect the leachate, is because the liner -- the synthetic liner will help reduce precipitation into the landfill.

So, when it rains or snows, all that moisture instead of going through into the waste will run off the top of it.

In a minute my next slide shows you the slope. By decreasing the precipitation into the landfill, we greatly reduce the amount of leachate. And by reducing the amount of leachate, we reduce the contamination that could get into the

groundwater.

PAT RUMFELT:

Question.

MARY ELAINE GUSTAFSON:

Yes.

PAT RUMFELT:

My name is Pat Rumfelt. Is that going to be just a big bald spot on top, or will you be able to grow any vegetation?

MARY ELAINE GUSTAFSON:

Oh, absolutely, yes.

PAT RUMFELT:

Vegetation?

MARY ELAINE GUSTAFSON:

Absolutely. In fact -- I don't know if we can do it, but we're going to attempt to try to grow prairie grass similar to what's there now, if we can. We have to do a study to determine if that will work.

There's an awful lot of things that would influence that.

This alternative is approximately $11.8 million and would take about 15 months to implement.

The cap will look similar to this. This is the landfill down here. There is 24 inches of clay above the landfill.

You can see this heavy line would be where the synthetic liner would go.

Then there is a six-inch sand drainage layer. And above that is 18 inches of soil. And the soil will support the vegetation.

This overhead shows where the gas collection well system would be, and fencing. You can see -- this is not drawn to scale, of course, but there is a slope here that will grade the landfill so everything will run off.

And this is to show you what the gas system might look like. There is approximately 32 wells. It will be a grid system. And the gas would be piped to a location for treatment. We would use carbon to help control odor. That's very important.

And then if necessary -- which we don't know yet --a thermal oxidation process with a flare stack to reduce methane could be installed.

As Dave mentioned, we do evaluate all our alternatives against each other with the nine criteria. Every Superfund site goes through this evaluation, and these are the nine criteria. Overall protection, of course, is the most important one.

I'm not going to go through all of them, but you all have them in your handout.

This next overhead is a copy of -- boy, I bet you can't see this. Well, maybe you will.

This is a chart that we're trying an experiment with. The evaluation process and writing up the evaluation and presenting it to the public has always been a very difficult concept to make the public understand.

So, we are trying to develop an easier way for people to see what the evaluation means. And either on the back of your sheet, or you can tell us afterwards, we really would like your opinion.

I have seen some charts like this, similar to this, with smaller dots and circles. And maybe that might make it a little bit easier to look at and evaluate.

But at any rate this table we hope shows you just by looking at it that Alternative 4, when

compared against the other alternatives to the nine criteria, really provides the best balance and the greatest overall rating of the other criteria. And it's cost effective. Certainly, cost is not our only criteria, but cost is considered.

As long as we can reduce the risk to the public, that's our main objective.

Here again is another cost summary. This shows that you get the best protection for the dollar.

We believe that Alternative 4 reduces the risk to the public and is a reasonable cost compared to the other alternatives.

Alternative 2 is a good alternative and also reduces risk. But we believe that the extra synthetic liner will provide more security in reducing the risk.

The monitoring program will be very important because it will allow us to be sure that the remedy is working. We want to make sure that contamination is not getting into anybody's water. And the monitoring program will allow us to do that.

One question I have never been to a public meeting and not been asked is who's going to pay for all this. It's expensive. Ten million dollars is a

lot of money.

We give the responsible parties for the site the opportunity to implement their own remedy. If they agree to do it, that's great. We negotiate and they take over under our and the State of Indiana's supervision.

If they don't, then we have a couple of alternatives. We can either issue an order which requires them to do the work, or we can do it ourselves and then seek cost recovery through legal actions.

And the last thing -- once again, this is a little repetitious, but what comes next?

We are soliciting your comments tonight. The public will have an opportunity to comment on our preferred remedy and all the remedies through the public comment period.

When the public comment period is over, we'll look at the comments and write up a response to them. Perhaps we'll change our decision. We don't know yet until we see the comments.

Right now, this is our favorite alternative.

We will prepare what we call a Record of Decision. The Record of Decision, better known as

the "ROD," outlines everything in the site and gives a very detailed description of the selected, at that time, that alternative. That document is signed by our Regional Administrator in Chicago. And will be concurred with by the State, hopefully.

And at that time we will start negotiating with our responsible parties. And 120 days after that, hopefully, we will be ready to go.

After that time we prepare or the responsible parties will prepare a design that will lay out all the work that's to be done including the monitoring program and any kind of pre-design or additional sampling work that needs to be done.

After that -- that usually takes maybe twelves months. And after that, then the remedial action is begun.

That's all I have.

PAT RUMFELT:

I have a question.

MARY ELAINE GUSTAFSON:

Okay.

PAT RUMFELT:

Pat Rumfelt again. Is there any chance of the responsible parties talking you into another alternative or maybe back to doing nothing?

MARY ELAINE GUSTAFSON:

No.

PAT RUMFELT:

You're definitely going to do something?

MARY ELAINE GUSTAFSON:

Well, let me answer your question. If anybody -- responsible parties or anybody -- comes up with information that leads us to believe that our alternative is not the right one and that there is a better one, then we will certainly entertain that.

We are not going to let anybody talk us into anything. We have to use the data and the facts to make our decision. And that's what our decisions are made on -- the data.

And the data right now shows that we have a potential future threat and that something has to be done.

Does that answer your question?

PAT RUMFELT:

Yes.

UNIDENTIFIED SPEAKER:

Do you know how much leachate is being produced?

MARY ELAINE GUSTAFSON:

Yes, I do. Let me see if I can remember it. I think it was something -- well, I can find it real quick. Five -- if you'll bear with me.

DAVE NOVAK:

While she's doing that, I'll just explain something on the comments.

We will accept written comments tonight as well as your spoken comments.

MEHDI GERAMINEGAD:

Can I answer that? We really don't know how much leachate is generated. But we did a numerical modeling of estimated leachate being generated there. And if you're interested in that value, we can give it to you.

UNIDENTIFIED SPEAKER:

I just don't understand how you can't make it a part of the plan to take this leachate out and expect to, you know -- you put the cap on. The cap is -- most of these liners are only guaranteed by the manufacturer for ten years.

So eventually, this thing -- Mother Nature is going to take over. The liner is going to lose its effectiveness and the water is going to start leaking through and we'll have the leachate. If it's there, it's not going to disappear. It may take longer.

But I don't understand what -- why something isn't being done with the leachate.

MARY ELAINE GUSTAFSON:

Well, at this time I really don't think that with the remedy that we've proposed that the leachate will be a threat. I think -- it's my understanding that the liners are guaranteed for a lot longer than ten years.

UNIDENTIFIED SPEAKER:

Well, the Elkhart County Landfill -- according to their data, that was in their spec that

the liner was only guaranteed for ten years.

MARY ELAINE GUSTAFSON:

Maybe they have a thin liner. I don't know. I don't know what they have, so I can't really say. Generally, the figure that we get is 30 years.

UNIDENTIFIED SPEAKER:

But what's going to happen after that 30 years? You're all done. So we start this all over again if it starts seeping into the ground? I think we're only delaying what you're going to have to do anyway. And at that point it's going to cost even more than what you're saying it's going to cost now.

The leachate -- it is still producing leachate; is that correct?

MARY ELAINE GUSTAFSON:

Well, it is now. But when it's covered, the generation of leachate is diminished drastically. I don't -- do you have the report? We've got the change in the estimate of the amount of leachate that will be produced. And it's down to -- I think it's .001 million gallons per year from

5.9 million gallons per year, or something like that. It's .001. It's a big decrease.

UNIDENTIFIED SPEAKER:

So what happens on the integrity of this liner and the cap? I mean, eventually, maybe 50 years down the road -- but then all this is going to start over again.

MARY ELAINE GUSTAFSON:

Well, part of the responsibility for operation and maintenance is not only to monitor the groundwater but to continually watch the cap. And if the cap does begin to break down, then it needs to be repaired. And that's part of, as I say, the operation and maintenance.

UNIDENTIFIED SPEAKER:

But that only goes for 30 years; is that correct?

MARY ELAINE GUSTAFSON:

Well, the site will be de-listed after we are sure that, or confident that, there is no contamination.

We just don't feel that there is enough threat to propose a remedy that is so much more expensive because we don't believe that we can justify it.

UNIDENTIFIED SPEAKER:

There is no like leachate -- where you could do it maybe not on the huge scale that's proposed in Alternative 3?

MARY ELAINE GUSTAFSON:

See, another thing with the leachate collection system is that because the groundwater is so high, we don't even know if it will work.

What could happen -- I don't know, but what could happen is that -- just like these wells, the 680 wells. That's a lot of wells.

First of all, all these wells are, I think, 80 feet apart. And the leachate could get into the groundwater before we can collect it into a well. So, we could spend or require the PRPs to spend all this money to put in the leachate collection system and it might not work.

Because the water -- let me explain one more time. The water, before we could trap it in a

collection well, could get into the groundwater and we could totally miss it. So, our best bet is to decrease the infiltration and monitor the groundwater.

Now, if we find that the groundwater is becoming contaminated -- we don't think it will, but it could. If it does, our monitoring program will let us know immediately. And then the -- at that time another RI will have to be done to determine what kind of -- or what remedy, if indeed one is necessary, should be implemented.

I mean, we're not going to just walk away and forget it. We are going to continue to watch it. And we really believe that, from the information we have today, that this is the best cost-effective alternative that will provide the greatest protection. Well, not the greatest. The leachate collection system, if it works, will provide protection also.

But we just don't know that it will work, and that's because of the topography and the geology, or the hydrogeology of the site.

As I said, that groundwater table is very high. And we think that sometimes, seasonally, the waste is sitting in the groundwater.

So, collection of the leachate really won't solve the problem. But trying to -- I can't say eliminate because you can never totally eliminate precipitation, but we can diminish it drastically. Drastically.

Yes?

PAT RUMFELT:

What about trapping the gases under this huge cover? You're going to put it up, and you said maybe you might install something to help -- what? -- get rid of the methane gas?

MARY ELAINE GUSTAFSON:

Yes. If there is methane gas, then that flare system will be installed.

PAT RUMFELT:

Because it's bad enough now.

MARY ELAINE GUSTAFSON:

Well, we will have a carbon treatment to take care of the odor. Definitely. That's part of the remedy.

PAT RUMFELT:

That's the only thing I'm concerned about.

MARY ELAINE GUSTAFSON:

The odor? Yeah, okay. The carbon treatment is part of the remedy.

The gas flaring will only be done if it's required. And the only way we will know that is to sample the air emissions when it's installed.

PAT RUMFELT:

A flame? Are you going to have a flame coming out?

MARY ELAINE GUSTAFSON:

Only if it's necessary. But we don't know. That has to be tested at the time the gas system is installed. If it's needed, it's part of the remedy and it will have to be put in. If it's not needed, then there's no point in putting it in.

However, the carbon treatment system is part of the remedy, and that will be put in under any circumstances. As the way the remedy stands now.

DAVE NOVAK:

The gentleman in the striped shirt.

MARY ELAINE GUSTAFSON:

Yes, sir?

VIRLAN LOGSDON (phonetic):

My name is Virlan Logsdon. How deep are the contaminants buried in the area where you're concerned about leachates?

MARY ELAINE GUSTAFSON:

Do you know that? I don't know how deep they are. I think it's in the proposed plan.

MEHDI GERAMINEGAD:

My name is Mehdi Geraminegad. I'm from SEC Donohue. I'm contractor for EPA working on this project.

UNIDENTIFIED SPEAKER:

I'm sorry; I'm not hearing you.

MARY ELAINE GUSTAFSON:

He's a contractor for EPA working on the

project.

MEHDI GERAMINEGAD:

The depth of waste is approximately about -- it varies at different locations. But it's about 15, 14 to 24, 25 feet.

UNIDENTIFIED SPEAKER:

Now, the groundwater level is around seven feet in that area which means if any water that tends to fall in a general direction north or northwest of this so-called dome will be flowing through the contaminants and into the areas outside the site south and southeast, by your description?

UNIDENTIFIED SPEAKER:

That's our property.

MARY ELAINE GUSTAFSON:

Okay. One of the things that I neglected to tell you is that the groundwater is flowing south-southeast. And to date we're not getting any contamination above any kind of level off the site. That's why we're going to monitor.

In addition, the cap will reduce

infiltration which will reduce the leachate, which is where all the problem is.

UNIDENTIFIED SPEAKER:

It will only reduce it directly above.

MARY ELAINE GUSTAFSON:

That's right.

UNIDENTIFIED SPEAKER:

But the groundwater flows through and will still pick up contaminants.

MARY ELAINE GUSTAFSON:

The groundwater moves very slowly. That's why we're going to monitor. We can't go in and pump and treat. We don't have any levels to treat to.

The groundwater off the site -- outside the site -- is not contaminated above any level that we could treat to. It's below our standards. So, there would be nothing to treat. That's why we're going to monitor.

If your property is south-southeast, I assume that you are on municipal water?

UNIDENTIFIED SPEAKER:

Pardon me?

MARY ELAINE GUSTAFSON:

Are you on a municipal water supply?

UNIDENTIFIED SPEAKER:

No, I'm on a well.

MARY ELAINE GUSTAFSON:

You have your own well, okay. Your well, if it's that close to the site, will probably be part of the monitoring program. So, your water will be monitored periodically to make sure it's safe. Along with all the other wells in the monitoring program.

There is nothing coming off the site above any levels. There is no risk off the site right now.

PAT RUMFELT:

You're saying for how many feet? Because I know it's contaminated down at the 15-foot, the 20-foot, the 30-foot, and the 50-foot below the ground.

If I would hook my garden hose up to an old well that we have in our yard and if I would hold it above the ground two feet, in just a few minutes you would get a foam building up on the ground. It looks like beer.

UNIDENTIFIED SPEAKER:

We have pictures of it.

PAT RUMFELT:

I have pictures of it. I could do it again tomorrow.

So, the groundwater is already contaminated. That's what I don't understand. It's going to be that way for hundreds of years.

MARY ELAINE GUSTAFSON:

What I can tell you is that all the wells in the vicinity -- drinking water wells -- are being tested periodically.

PAT RUMFELT:

Well, we have city water now.

MARY ELAINE GUSTAFSON:

Well, that's why you have city water. That water down there is contaminated. We can't go and clean up all of Elkhart.

PAT RUMFELT:

No one said you should. But I don't understand what you're saying that it's not contaminated now.

MARY ELAINE GUSTAFSON:

Above a level --

PAT RUMFELT:

Above a certain amount of feet?

MARY ELAINE GUSTAFSON:

No. I'm saying it's not contaminated above our standards. There is some contamination down there, but all water has some contamination.

PAT RUMFELT:

Oh, come on. I've got documents that listed at least 14 different chemicals in our water.

MARY ELAINE GUSTAFSON:

And that's why you -- are you very close to the landfill?

PAT RUMFELT:

Am I ever. I'm on the "hot spot."

MARY ELAINE GUSTAFSON:

Okay. That's why you're on municipal water.

PAT RUMFELT:

I know it. But you're trying to tell me it's not contaminated? It's going to be for a long time.

MARY ELAINE GUSTAFSON:

All I'm telling you is that the water off the site has not shown any levels above standard that we could treat.

Everybody who is near the landfill and is drawing water from the aquifer does not have contaminated water, and the data shows that.

Yes?

UNIDENTIFIED SPEAKER:

I would like to make a comment.

MARY ELAINE GUSTAFSON:

Well, we're not taking comments yet. Could you hold it for just a little bit?

DAVE NOVAK:

We have a question from the lady in the back here.

UNIDENTIFIED SPEAKER:

Yeah. You said that the contamination -- the tolulene was the reason for the "hot spot;" correct? That was the chemical that was --

MARY ELAINE GUSTAFSON:

The chemical that was found during the RI when the test pit was dug, yes.

UNIDENTIFIED SPEAKER:

And that's what made it the "hot spot?"

MARY ELAINE GUSTAFSON:

Yes.

UNIDENTIFIED SPEAKER:

Okay. Now, you said that 48 percent of what was found in the test pit was tolulene. Okay? Which is what comes from the leachate. But you're telling us that the leachate is --

MARY ELAINE GUSTAFSON:

The leachate is very contaminated.

UNIDENTIFIED SPEAKER:

Right. That's why I don't understand why something shouldn't be done or maybe attempted to be done to control the leachate if it is 48 percent of tolulene.

MARY ELAINE GUSTAFSON:

Okay. We are -- first of all, that particular "hot spot" has been removed. We did do the immediate removal this summer.

Let me tell you what we're doing. There was one area of that product, and we took it out from that particular area.

We are trying to do something. We are going to cap the site which will greatly reduce the infiltration.

UNIDENTIFIED SPEAKER:

Right. You don't have to repeat it. I understand.

MARY ELAINE GUSTAFSON:

Okay. That's one of the things we're going to do. We don't really believe that -- we're not sure if pumping the leachate is going to work. As I said, 680 wells perpetually pumped and treated forever and ever and ever. It's a lot of maintenance that may be done and won't work because --

UNIDENTIFIED SPEAKER:

So, the leachate will never stop, no matter how much you treat it?

MARY ELAINE GUSTAFSON:

We may not be able to capture it is what I'm saying. We can put those wells in and because of the hydrogeology of the site, we may not be able to get it. Because the water table is so high, before we get into the wells, it could just get into the groundwater.

UNIDENTIFIED SPEAKER:

Do you know what would be used to treat that? I mean, is it like oxygen added to it? Or another kind of chemical to neutralize it? What sort of treatment is it?

MARY ELAINE GUSTAFSON:

We do several different treatments for -- if we are going to treat it, we would have to look at the chemicals in it to see what's in there besides tolulene. But we use different things like chemical particitation or something along those lines. Maybe thermal. There's many different treatments that are available now for treating contaminated groundwater that are very effective.

UNIDENTIFIED SPEAKER:

Right. So, you don't feel it would be feasible to maybe mark off a certain area and try to find out what sort of chemical participation or whatever might be able to neutralize the leachate and then --

MARY ELAINE GUSTAFSON:

Okay. If we can't collect it, we can't

treat it. That's my whole point. We're not sure that the collection system would collect it. We don't know if we would be able to collect it in those wells because you can't see what's going on down there. We could miss it, even with that many wells -- 680 wells. We could still miss the leachate.

Coming up with a treatment to treat it is not the problem. There are plenty of treatments that would work.

UNIDENTIFIED SPEAKER:

All right. But don't you think it would be better to treat what you can catch and maybe miss a little than let it all go?

JIM SMITH:

Can I interject here?

MARY ELAINE GUSTAFSON:

Please.

JIM SMITH:

I think there's a little bit of confusion that's presented here.

The 48 percent tolulene was found only in one test pit. That test pit was dug where the "hot spot" was identified. And we think a drum was actually punctured and the product ran out of the drum into the pit, and we collected that.

So, that one sample was leachate which we feel was almost pure product from the drums that had that high percentage of that. And several other volatile chemicals, industrial solvents, if you would.

The rest of the leachate didn't have that type of percentage. It was, you know, higher than anything found in the groundwater; but it was not anywhere near those levels.

So, we are not talking about treating leachate that has 48 percent tolulene over the entire site. Those drums were removed. The product that was floating on the groundwater table was sucked off and removed.

So, we think we have got that product removed. And that's not representative of the entire leachate of the site. Okay?

UNIDENTIFIED SPEAKER:

What research did you do to determine the

extent of the migration? I live in another Superfund site in Elkhart County, and they have done soil borings to determine the extent of the TCE pollution and have found that it has migrated.

What did you do in this case? Did you do those?

MARY ELAINE GUSTAFSON:

Yeah. If you remember, I had this overhead up that had the extent of the contamination. If I can find it, I will put it back up for you.

UNIDENTIFIED SPEAKER:

Well, when we had the original group of you people here before, the assessment was then that there was some plume that was going to the Bower Street water.

MARY ELAINE GUSTAFSON:

That was a manganese plume or something, I believe. We can't find any evidence of that.

PAT RUMFELT:

Well, I got documents.

MARY ELAINE GUSTAFSON:

Yeah. I mean now, today. We continually sample wells, and we don't find any evidence of that. I think USGS --

UNIDENTIFIED SPEAKER:

But are you going down different depths?

MARY ELAINE GUSTAFSON:

Yeah. We have taken surface and sub-surface samples. We have nests of wells at different levels. We have looked at the surface water and the sediment.

We have looked at everything that you look at when you do a study of this sort. And it's all in the documents. I think our Remedial Investigation has five volumns. All that data is in there.

PAT RUMFELT:

Well, I have a weld shop right there in that plume where it was reaching over to Bower Street. I own a welding business, and it's -- all those wells through there. Everybody that's pumping water has contaminated wells. We've been buying

water for our weld shop for years.

UNIDENTIFIED SPEAKER:

Every two weeks.

PAT RUMFELT:

It's the same plume. I had a scientist from Chicago test it years ago, and it was the same plume. Same things were found in it.

MARY ELAINE GUSTAFSON:

I think you need to be sure to put that in your comments. Please be sure to give us comments.

PAT RUMFELT:

USGS already recorded it. It's up at the library.

MARY ELAINE GUSTAFSON:

We don't find any existence of that anymore.

PAT RUMFELT:

You're not looking then.

MARY ELAINE GUSTAFSON:

Well, if there was a plume -- if, in fact, USGS thought there was a plume, it's moved down. We don't see anything coming off the site. There may be other contamination in the area; but if it's not coming off this site, we can't address it under this particular plan with this site. It would have to be addressed under a different project. And we can't make PRPs for this site go out and clean up the whole area if there's another source.

All we can do is look at this source, and this is what we find. We've got all the data and it's all in the repository. It's all there.

PAT RUMFELT:

Like I said, USGS did a report. It's in the Elkhart Library. In the 80s that plume had already reached Beardsley Street. So, it isn't going away; it's traveling. Slow, but it's traveling. And there's homes on top of that plume.

Have they shut that well field down?

MARY ELAINE GUSTAFSON:

That's not the spot. I really don't know about the well fields.

PAT RUMFELT:

There's a big well.

MARY ELAINE GUSTAFSON:

Are you talking about the Main Street well?

UNIDENTIFIED SPEAKER:

I do know they had it shut down for a while.

MARY ELAINE GUSTAFSON:

I really don't know.

PAT RUMFELT:

Well, anyway, all I'm really interested in is are you really honest to God going to do something or are you just talking about it? And can you be talked out of it? I hope not. We don't want to have to breathe the methane gases five or ten years down the road and go through this again.

MARY ELAINE GUSTAFSON:

As I said, we have the data that indicates to us that something must be done.

PAT RUMFELT:

Well, I appreciate it if you do. I really do.

MARY ELAINE GUSTAFSON:

And we will control the odor.

DAVE NOVAK:

Question from the lady --

UNIDENTIFIED SPEAKER:

Will you explain what you're talking about in deed restrictions?

MARY ELAINE GUSTAFSON:

We are going to try to enforce deed restrictions through fencing and prevention of the landfill from being developed. Not being used for residential or recreational.

UNIDENTIFIED SPEAKER:

You're talking about somebody that owns the property now and wants to sell it? What kind of deed restrictions are you going to have to put in there?

MARY ELAINE GUSTAFSON:

That's a legal term for an attorney to answer.

UNIDENTIFIED SPEAKER:

I think we need to know that. We can't make a decision and give you a proper response to what we feel if we don't know what you're planning to put in the deed restrictions. Deed restrictions don't mean a thing.

MARY ELAINE GUSTAFSON:

You're right. What we would like to do is prevent development of the landfill.

UNIDENTIFIED SPEAKER:

How can you do that?

MARY ELAINE GUSTAFSON:

It's difficult.

Tom, can you help me out? Tom is my site attorney.

TOM NASH:

I'm Mary Elaine's attorney on this site.

When you talk about deed restrictions, you want to look at the objectives. If we are going to put a cap on the landfill and if we are concerned about the leachate under the landfill and don't see a feasible alternative for treating or getting rid of that leachate, then we have to make sure that, number one, the integrity of the cap is maintained. That came up earlier in some of the questions and answers.

And it is the intention that the integrity of that cap be maintained in perpetuity. That means nobody digging holes in it and certainly not drilling all through it, and the leachate will probably remain contaminated.

So it's necessary, since there doesn't seem to be any physical way to deal with this problem, to deal with it in a legal fashion by setting up some kind of enforceable deed restrictions that would prevent the cap from being destroyed or deteriorated and prevent the development going on in such a way that would bring people into contact with the contaminants and the waste mass itself or the contaminants in the leachate.

There are a number of legal vehicles

available for imposing that kind of deed restriction. Easements are one. Covenants are another. There are a variety of ways available.

UNIDENTIFIED SPEAKER:

Well, I'm just looking around this room; and I can almost guarantee you that there will be very few of us around in 30 years to make sure those deed restrictions are still going to be enforced.

TOM NASH:

That's true. But it is possible to devise legal mechanisms that can be put in force that will insure that the property is not used in the way you're trying to avoid having it used, even 30 or a hundred or a couple hundred years down the road.

UNIDENTIFIED SPEAKER:

Well, I worked in an abstract company; and I can guarantee you that it's not difficult to get around a deed restriction.

DAVE NOVAK:

Do we have any other questions?

Yes?

UNIDENTIFIED SPEAKER:

I want to know if a landfill has applied to bid on this job?

MARY ELAINE GUSTAFSON:

The way the process works is that when we, after -- once again, after looking at the comments and analyzing them, we develop what is called a Record of Decision, or ROD, that specifies the remedy.

And then we will work with the responsible parties to try and reach a settlement so they will do the work. If they do, they will hire their own contractor. And we will oversee the work they do.

UNIDENTIFIED SPEAKER:

And ultimately who pays them?

MARY ELAINE GUSTAFSON:

The responsible parties. The whole group of responsible parties.

DAVE NOVAK:

Part of that process is that we try to get the responsible parties to pay up front. Like Mary

Elaine mentioned, if they don't, then legal action is taken.

It's to the best interest of those responsible parties to go along with the program because if they're fined, the cost is triple. So, they save in the onset by cooperating with us.

MARY ELAINE GUSTAFSON:

And in addition to that, the responsible parties can always do it a lot cheaper than EPA can. Despite the treble damages, if they go out and do it, it's a lot less expensive than it would be for us.

PAT RUMFELT:

Who's going to check to see that they do put in two foot of clay?

MARY ELAINE GUSTAFSON:

Oh, we are and you betcha. You betcha we are. We will have an oversight contractor all the time. The State -- Jim?

JIM SMITH:

Part of the responsibility of the State

will be to insure that the design is implemented as designed and the State will provide oversight and support of U.S. EPA.

PAT RUMFELT:

Well, I hope you do a better job than you did in the past because, I tell you the truth, I think the State is about 75 percent guilty on this one.

UNIDENTIFIED SPEAKER:

They had all the records.

PAT RUMFELT:

The State knew what was going on. It was in the record. I saw the record.

DAVE NOVAK:

We have another question. The gentleman here.

MARK FREEMAN:

My name is Mark Freeman. This has been a nice meeting. Can you give us a date when this will all begin? Can Miles or somebody else tie it up in

court?

MARY ELAINE GUSTAFSON:

I can answer that for you.

MARK FREEMAN:

I'd like to have a date or year because you guys been dilly-dallying around for six years now. I mean 26.

MARY ELAINE GUSTAFSON:

Okay. The Record of Decision will be signed in September -- I'm sorry, in December. We have 120 days to negotiate with the responsible parties.

At that time if we get a settlement, we have to enter it in the report. The Department of Justice takes care of that. That takes about 45 days.

So, we're talking spring that the design can be started. The design takes about a year. So by early 1994, we should be out there actually constructing.

You can't do it without a design. I mean, if we stuck the PRPs out there --

MARK FREEMAN:

It took you guys 16 years to figure this thing out.

MARY ELAINE GUSTAFSON:

If we send them out there without a design, it won't get done right.

MARK FREEMAN:

You should have figured this out a long time ago.

MARY ELAINE GUSTAFSON:

It's only been on the NPL since 1990. The EPA has only been involved since 1989 when it was proposed.

DAVE NOVAK:

The gentleman there in the back?

UNIDENTIFIED SPEAKER:

Yeah. Where will the earth come from? Will it come from the site itself?

MARY ELAINE GUSTAFSON:

Well, I think -- I'm not an engineer, but I think generally what happens is that we look for a borrow site -- we call it borrow site -- in the area. It's cheaper to transport. We can do that. And cheaper to get.

If we can find clay in the area with the proper permeability, we will do that. Otherwise, we have to go out and look for it. It has to be the right permeability in order for it to deter the infiltration. That's the most important thing.

UNIDENTIFIED SPEAKER:

I'm glad there's an opportunity, but then there's all these problems.

MARY ELAINE GUSTAFSON:

Pardon?

UNIDENTIFIED SPEAKER:

I'm glad there's an opportunity, but then there's all these problems.

DAVE NOVAK:

The gentleman in the back.

UNIDENTIFIED SPEAKER:

Do the EPA -- or do the State of Indiana's Natural Resources trustees plan to do a natural resource damage assessment on this area before they enter into negotiation with the responsible parties?

MARY ELAINE GUSTAFSON:

Well, I think that's already been done.

JIM SMITH:

The Natural Resource trustees have been examining the site the last couple of years, looking into the potential natural resources that have been damaged.

What the negotiation position will be are failure of negotiations, what the assessment process will be to determine natural resource damage. It's unknown at this time.

They will be looking at wetlands. We are going to try to implement replacement of the prairie that has developed naturally on the site.

There are a lot of technical problems that have to be resolved in establishing -- a prairie may or may not be a possibility, but we are going to try to get that implemented.

Whether there have been natural resource damages that can be documented and supported in negotiations in court will depend on how much damages will be sought.

Whether the actual enactment of the remediation will determine future damages will also be looked into, and those damage claims will be presented during negotiations.

What those will be, at this time I don't know.

DAVE NOVAK:

The lady in the back?

UNIDENTIFIED SPEAKER:

There are two ponds that are located near the site -- the L-shaped pond and the small pond. And there are fish that live in there.

I was wondering if anybody had ever studied the fish or if they think it would be a good idea to study the fish to see what type of problems they have or, you know --

MARY ELAINE GUSTAFSON:

We did -- I don't believe we studied the

fish, but we did take surface water -- that's called surface water -- and sediment samples from those ponds. And there was no contamination above standard.

PAT RUMFELT:

Well, someone told me that the L-pond was dead. But I don't understand that because, to tell you the truth, I myself saw some bass about two foot long.

MARY ELAINE GUSTAFSON:

I did, too.

PAT RUMFELT:

And they followed me around the pond.

MARY ELAINE GUSTAFSON:

The data shows that those ponds -- that surface water is not contaminated.

PAT RUMFELT:

I know. But someone else -- a scientist said it was dead.

MARY ELAINE GUSTAFSON:

Well, there's no contamination above levels.

DAVE NOVAK:

We'll have a few more questions and then we'll go to comments.

UNIDENTIFIED SPEAKER:

Are the responsible parties required within that 120-day period to reach some sort of agreement, or can they get an extension of some sort?

MARY ELAINE GUSTAFSON:

No. I've been working with a PRP list since earlier this spring, and the responsible parties are well aware of what we're doing, where we're going and what our time schedule is.

By the time we're ready to start negotiations, there should be no reason for any delays. This is a straightforward site. And we are not inclined to give extensions unless there is a real good reason.

And at this point we don't believe we have

a very good reason for an extension or delaying this any longer. We just want to get through and get out there and start working.

DAVE NOVAK:

The lady in the stripes? You have a question? Any more questions?

UNIDENTIFIED SPEAKER:

I have just one more. When we bought our home, we were not informed the Himco Dump site was a Superfund site. And Karen Martin -- I don't know if you know her. She had mentioned to us that there had been a law that went into effect that the seller has to inform future buyers that this is a Superfund site. Is that correct?

DAVE NOVAK:

I believe the law is correct. I don't know when it was enacted.

Perhaps you can shed some light on that.

JIM SMITH:

I don't know when the law was enacted. I can find out for you if you give me your name and

address.

But there's an act in Indiana that's called the RPTA Act. It's called the Responsible Party to Transfer Act. And any party who is selling a property that has contamination on that property has to register -- fill out a formal document -- that that property is, in fact -- does have this environmental problem with it.

That form has to be submitted to the Indiana Department of Environmental Management. Failure to do that is in violation of that law.

The law is primarily associated with commercial properties that have various types of businesses that result in known contamination.

The fact that a Superfund site was adjacent to the property but is not part of the property may not require that that law be enacted. I don't really know.

UNIDENTIFIED SPEAKER:

If it does require that, would that be until the IDEM de-listed that Superfund site?

JIM SMITH:

I think as long as any kind of

environmental contamination exists on that property, that law is valid.

UNIDENTIFIED SPEAKER:

Are you saying that Alternative 4 is the best alternative or is the alternative?

MARY ELAINE GUSTAFSON:

Oh, no. We have not selected an alternative yet. That's why we have a public comment period. That's our preferred alternative of all of them.

We solicit comments from the community and the public. We will look at those comments and determine whether or not we still believe that we should continue with our preferred alternative.

UNIDENTIFIED SPEAKER:

Just for the record, why is it your preferred alternative?

MARY ELAINE GUSTAFSON:

Because we believe it provides the best reduction in risk and is cost effective of all the alternatives that we looked at.

PAT RUMFELT:

And what is 1?

MARY ELAINE GUSTAFSON:

No action.

PAT RUMFELT:

What was the number 1 alternative?

MARY ELAINE GUSTAFSON:

No action.

PAT RUMFELT:

Okay. Two?

MARY ELAINE GUSTAFSON:

Two was the same as our preferred remedy except that it had a solid cap, not a composite cap.

PAT RUMFELT:

You didn't have the --

MARY ELAINE GUSTAFSON:

No liner.

PAT RUMFELT:

No liner?

MARY ELAINE GUSTAFSON:

That's the only difference. That synthetic liner was not included in Alternative 2.

PAT RUMFELT:

They're liable to talk you into that one. I'm betting you.

MARY ELAINE GUSTAFSON:

You have to understand. Nobody is going to talk us into anything.

PAT RUMFELT:

They better not.

MARY ELAINE GUSTAFSON:

We have our data, and the data is what we use to make our decision.

DAVE NOVAK:

One final question and then we'll get into the official comments. This gentleman here?

UNIDENTIFIED SPEAKER:

The actual area that's involved in this cover-up, is that --

MARY ELAINE GUSTAFSON:

Don't use the word "cover-up." It's a cap.

UNIDENTIFIED SPEAKER:

It's certainly not a clean-up. I can only call it a cover-up.

Is it the area on your map that was primarily designated as a "construction debris area?"

MARY ELAINE GUSTAFSON:

No.

UNIDENTIFIED SPEAKER:

Or is it the entire site?

MARY ELAINE GUSTAFSON:

The part -- or what we're proposing to cap is the landfill and the "construction debris area." It's in the dotted line, inside here. That's the

part that we're proposing to cap.

PAT RUMFELT:

How many acres did you say that was?

MARY ELAINE GUSTAFSON:

About 58.

PAT RUMFELT:

I thought the thing was a hundred acres.

MARY ELAINE GUSTAFSON:

The whole site is approximately a hundred acres.

PAT RUMFELT:

Right.

MARY ELAINE GUSTAFSON:

But the land --

PAT RUMFELT:

Why are you only doing half of the site?

MARY ELAINE GUSTAFSON:

Well, no, no. This is where the waste boundary is. This is where the waste was placed. That's why this isn't contaminated up here. There was no waste in it.

PAT RUMFELT:

I know where my house is on that map, and I walked out onto that landfill and I know right where the hospital waste was dumped. I picked it up and took it to a lawyer.

So, if you're not going to get directly behind my house, you didn't get the hospital waste.

DAVE NOVAK:

Let's get into the comments. If you have a comment, we ask that you identify yourself again, state your comment as a comment. It will not be responded to this evening; but it will be taken back, studied and considered with all the other comments.

The comment period will go to the 29th of this month. You're welcome to give them to us tonight, either verbally or in writing, or in the Fact Sheet. It has the information in the back, the addresses where you can mail them.

If they come to me, I will compile them and I will give them to Mary Elaine and they will be considered along with all the other alternatives and the preferred alternative this evening.

So, if you have any comments, please identify yourself and state your comment.

I believe you had one?

UNIDENTIFIED SPEAKER:

I would like to make one comment. I'm not on Indiana's side or EPA's side. It's just a sad thing that's happening out there. This gentleman is right about the water table. It's so low out there.

And when they were putting that -- oh, I would say 70 or 80 percent of that, they were dumping directly in the water there. And all the slips told them they shouldn't have been doing that. On the monthly slips, the inspection slips. But they went right ahead and done it, and now you have a problem.

I do know, and my comment on this is -- I think you're on the right track as far as sealing this plume because we get this ungodly smell from about this time of year until late spring. In the summer it's almost dead. You don't get much smell

because it's quite dry.

But as soon as that water starts going in that dumb thing from the snow and the rain and everything else, it stinks from now to kingdom come all winter. We drive right by it, and it comes right in your car.

I think by sealing the dumb thing you will be doing some good. I don't know what it's going to do down in the future. At least, get the water out of the damn thing.

DAVE NOVAK:

Your comments don't have to be specifically your own remedy. If you like our remedies, fine. You're welcome to comment on them as well.

We have a gentleman over here.

LENNIE SCOTT:

Good evening. My name is Lennie Scott, and I'm an environmental engineer and the senior environmental manager for Miles here in Elkhart.

I have been working in the environmental field for approximately 15 years. And I have been asked by Miles to make some general comments about

the Himco site.

We are here tonight because of Miles' commitment to comprehensive environmental protection and for a clean and safe environment in Elkhart.

I would like to thank U.S. EPA for allowing us this opportunity to comment at this public meeting.

Just last week we received a copy of the Remedial Investigation report and the Feasibility Study, or the RI/FS, for the Himco site and therefore have had only a few days to preliminarily review EPA's findings and discuss them with our independent environmental consultant.

In the near future Miles will be submitting detailed written comments to EPA. However, we feel it is important at this time for EPA and the citizens of Elkhart to know Miles' general position regarding the Himco site.

First, let me briefly summarize the background of the Himco landfill. The Himco landfill, located on County Road 10, opened in 1960 and was operated until September, 1976.

Waste was transported to the site throughout this period. The landfill was used by hundreds of local industrial and commercial

businesses throughout Elkhart as a primary location for disposing of their wastes.

The waste shipped to the landfill varied very widely, but included household and commercial refuse and industrial waste.

Miles' waste shipped to the landfill included primarily calcium sulphate, which is a non-hazardous chalky material, and various office and industrial wastes.

Back in 1984 the EPA conducted an inspection to determine if the landfill should be placed on the National Priorities List. In other words, whether it should be designated a Superfund site.

This process involved the scoring of the site based on the EPA's Hazardous Ranking System which assesses the risk a site may pose to human health and the environment.

Based on EPA's scoring which involved a series of assumptions about the site, the site was proposed for the NPL in 1988 and was officially designated a Superfund site in February of 1990.

During this listing process, consultants for Himco also assessed whether the landfill posed any risks and determined that the site did not pose

any threat of concern.

Himco and its consultants urged EPA to reconsider placing the site in the Superfund category. We agreed with Himco's efforts because it was clear that the site did not pose a current threat to human health or the environment.

Unfortunately, the effort to oppose listing the site on the NPL were unsuccessful.

As I stated earlier, Miles and its independent environmental consultants have briefly reviewed the EPA's RI and FS reports. These reports are the result of a detailed extensive study of the site.

Based upon our short review of both the RI and FS, it is clear that these reports do not support EPA's decision to remediate the site.

In fact, they confirm Miles' and Himco's earlier conclusions that the site poses no risk to human health or the environment and that no Superfund remedy is necessary or appropriate.

EPA's reports indicate that this is the case. For example, in the EPA's own words -- and I quote -- "There appears to be no cause for concern for any current uses of the site." End of quote.

Further, EPA's own analyses place risk

within an acceptable range. Also, EPA's reports clearly state that the residents outside the landfill area are not threatened.

Further, the EPA states -- and again I quote -- "If home or commercial establishments south of the landfill were to use groundwater in this area in the future, the estimated site-related risks associated with groundwater use are within acceptable risk ranges." End of quote.

Despite its own conclusions regarding the lack of any threat at the Himco site, the EPA has decided that the proper remedy at the site is a four-foot cap over the entire site at a cost of nearly $12 million.

EPA would also seek to have Miles and other Elkhart businesses connected to this site fund this elaborate remedy.

Miles and its environmental consultants have concluded that the Himco site should not be considered a Superfund site. We strongly believe that the site should be removed from the Superfund list because it poses no threat to human health or the environment.

Based on the information now available, we believe the site would not be listed on the NPL if

scored today. Thus, we believe EPA should consider de-listing the site.

Let me be clear. Miles is willing and prepared to pay its fair share of any necessary and reasonable costs of remediating a site to the extent the law requires. Miles has always had the utmost concern for the environment and certainly is concerned for the health of the people of Elkhart.

If this were a site where a substantial threat existed, we would not be urging EPA to reconsider its position.

However, given the conclusion of the EPA's own reports, Miles did not see spending nearly $12 million on EPA's proposed remedy as efficient or necessary in light of the non-hazardous conditions at the site.

In effect, EPA agrees in its reports that there is no problem at the site. Certainly, this concession is inconsistent with the extensive remedy EPA has proposed.

We plan to further confer with our environmental consultant and to supply more detail on our position to both the EPA and the public after we have had the opportunity to more fully review the findings and conclusions as presented by the EPA

study.

Thank you.

DAVE NOVAK:

Thank you.

PAT RUMFELT:

I have to make a statement. Miles Laboratories is lying. Miles Laboratories did not only dump calcium sulphate. They dumped tons and tons and tons for many, many, many years of every single medicine that you manufactured. Whitehall did it, too.

I went out and picked it up. I saw it for many, many years. I begged somebody to sue me for trespassing because I wanted to take these medicines into a court in front of a judge. I wanted him to see them. Mr. Beardsley got on the phone and begged me not to.

Don't lie to these people. You dumped tons for however many years that you dumped out there at all. Every single medicine that you manufactured was out there. Bottles, brand new. Boxes, brand new. Skull and bones on the bottles. Full.

Don't lie about it.

(Inaudible comments.)

DAVE NOVAK:

One at a time, please.

PAT RUMFELT:

Well, he's got my ire up because I don't like these bald-faced lies.

UNIDENTIFIED SPEAKER:

And Mr. Beardsley thought that they were using their -- darn it, I had the term -- their crusher. And then, come to find out they weren't even crushing the stuff. Anybody could pick it up. They weren't even putting it through a crusher.

PAT RUMFELT:

Kids went back there and picked it up and took it to school.

DAVE NOVAK:

The lady in the back.

UNIDENTIFIED SPEAKER:

Yeah. Is the man still here that made that statement?

MARY ELAINE GUSTAFSON:

No questions, please. Only comments. You can direct a question afterwards.

UNIDENTIFIED SPEAKER:

I would sort of like to direct this statement to the gentleman who just made this last statement. I think I see him sitting there.

First of all, I would also like to thank the EPA for taking their time to do their study. They've given great detail. This is the most information I've ever seen on this site since we've moved in there, and that's been three years ago.

And I do think that you are trying to help us. I understand that.

I would like to say to the person that wrote that letter, the author of that letter or statement that the gentleman read -- if that person would live in our house or near that site, he would understand. He would consider it a threat.

When you turned the water on -- this is

before we had municipal water. When you would turn the water on from the faucet, you could smell it. Karen Martin stuck her nose down by the water and jumped back. She went, "Ooh."

It tasted terrible. It made Kool-Aid taste like it had carbonation in it. It was awful.

And I would like to tell him that I don't appreciate him trying to diminish the seriousness or hamper the efforts of the EPA based on dollar figures for this stuff.

It's got to be harmful. The stuff that was found -- the chemicals that were found in the leachate were hazardous. The EPA submitted all the studies that showed the leachate is getting into the groundwater.

I'd like to say that it is hazardous and it is serious. And I'd just like to thank you guys and hope that they can't stop your efforts.

DAVE NOVAK:

Thank you.

Karen Martin, incidentally, is my predecessor on the site. She's on another detail right now. And she was doing this job before she went on this detail.

Any other comments?

(No response.)

DAVE NOVAK:

We have no more comments. Do we have any general questions before we conclude the meeting?

MARY ELAINE GUSTAFSON:

I'd like to say something. The comment session is now concluded. I would like to make a response to the gentleman's statement.

Everything he said is true. There is no current problem. But EPA looked at future risks. We don't only look at risks today. We look at the future. And there is definitely a potential future risk.

So, fear not. That site is not going to be de-listed without something being done.

DAVE NOVAK:

Again, the comments will be going until the 29th of the month. They must be postmarked by that date. And the addresses are in the information that we have out in front. And if we ran out of

information there, we do have it here, so you're welcome to come and get it.

And the gentleman had a real quick question?

UNIDENTIFIED SPEAKER:

If for any reason this cap would become punctured due to time, would this recharge this situation all back to where it is now?

MARY ELAINE GUSTAFSON:

A puncture, no, would not make that much difference. THat's why we have what we call operation and maintenance. And we will continually check what we call the integrity of the cap to be sure that it's being upheld.

And if it needs repair, it's repaired.

UNIDENTIFIED SPEAKER:

How are you going to know that?

MARY ELAINE GUSTAFSON:

Because we check it. It's part of the operation and maintenance.

UNIDENTIFIED SPEAKER:

It's under how much soil?

MARY ELAINE GUSTAFSON:

It's part of the operation and maintenance plan that goes on for 30 years. And it's checked.

DAVE NOVAK:

Somehow, somebody will know.

Any other questions?

(No response.)

DAVE NOVAK:

We would like to thank you all for coming. And we'll be around for a while yet if you still have some individual questions you'd like to ask the participants.

Thank you again.

(Whereupon, the meeting was adjourned.)

STATE OF INDIANA)
) SS:
PORTER COUNTY)

C E R T I F I C A T E

I, M. Kay Dornburg, being a qualified and competent court reporter, and a Notary Public in and for the County of Porter, State of Indiana, do hereby certify that heretofore, to-wit: on the 6th day of October, A.D. 1992, at the City Council Chambers, 2nd floor, Municipal Buuilding, 229 South Second Street, Elkhart, Indiana 46516, a public meeting was held.

I further certify that the proceedings were by me reduced to writing by means of shorthand, and afterwards transcribed upon a typewriter, and that the foregoing is a true and correct transcript of the proceedings, as aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 29th day of October, A.D. 1992.

M. Kay Dornburg

M. Kay Dornburg,
Court Reporter and
Notary Public